

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Veronique FERRARI |) | Group Art Unit: 1611 |
| |) | |
| Application No.: 10/528,698 |) | Examiner: Kevin S. ORWIG |
| |) | |
| Filed: December 6, 2005 |) | |
| |) | Confirmation No.: 4617 |
| For: LIPSTICK COMPRISING A |) | |
| SEQUENCED POLYMER |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS-WEB

Sir:

TERMINAL DISCLAIMER

Assignee, L'OREAL S.A., duly organized under the laws of France and having its principal place of business at 14, Rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/528,698, filed December 6, 2005 for LIPSTICK COMPRISING A SEQUENCED POLYMER in the names of Veronique FERRARI, Xavier BLIN, and Bertrand LION, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 017578, Frame 0561 on December 6, 2005. Assignee, L'OREAL S.A., further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent Application No. 10/529,218, filed October 3, 2005 for GLOSSY LIQUID COMPOSITION COMPRISING A SEQUENCED POLYMER in the names of Xavier BLIN, and Veronique FERRARI as indicated by assignment(s)

duly recorded in the United States Patent and Trademark Office at Reel 017565, Frame 0709 on October 3, 2005.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application No. 10/529,218. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application No. 10/529,218 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on U.S. Patent Application No. 10/529,218, as presently shortened by any terminal disclaimer, in the event that any patent granted on U.S. Patent Application No. 10/529,218 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 24, 2009

By: 

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